



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/601,385

07/28/2000

Aviv Refuah

35806

2933

67801

7590

11/26/2008

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.

P.O. BOX 16446

ARLINGTON, VA 22215

EXAMINER

DINH, KHANH Q

ART UNIT

PAPER NUMBER

2451

MAIL DATE

DELIVERY MODE

11/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/601,385	Applicant(s) REFUAH ET AL.	
	Examiner Khanh Dinh	Art Unit 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 76-78, 114-117, 136-155 and 158-176 is/are pending in the application.
- 4a) Of the above claim(s) 165-175 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 76-78, 114-117, 136-155 and 158-164 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/4/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in reply to the Amendment and Response filed on 7/28/2008. Claims 76-78, 114-117, 136-155 and 158-164 and new claims 165-175 are presented for examination.

Election/Restrictions

2. Newly submitted claims 165-175 are directed to an invention that lacks unity with the invention originally claimed for the following reasons: the invention originally claimed is directed to a method of data directory display, which requires use of search **Class 709, subclass 220**. The invention claimed as claims 165-175 is directed to a method of a user interacting with an Internet or a method of user virtual personality maintenance. This process requires tracking interactions and analyzing a plurality of future interactions, which requires use of search **Class 709, subclass 224**.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 165-175 are withdrawn from consideration as being directed to a nonelected invention.

See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 76-78, 114-117, 136-155 and 158-164 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, US pat. No.6,035,334 (hereafter Martin) in view of Bistriceanu et al., US pat. No.7,240,022.

As to claims 136, Martin discloses a method of a user interacting with an Internet site managed by a first entity, comprising:

transmitting to the site, by a user, a request for an Internet page and providing to the site, a user profile record of the user transmitting the request, by

Art Unit: 2451

a second entity not associated with the first entity and providing, responsive to each of the requests, information content of the Internet page (see abstract, fig.3, col.4 line 24 to col.5 line 47);

responding to the requests, with a page presentation of the provided information content in a display format selected responsive to the user profile record (col.6 lines 22-65).

Martin does not specifically disclose using a predefined site independent user profile record. However, Bistriceanu discloses using a predefined site independent user profile record (each web site providing a profile of participating users that interacting with the web site in a predefined way, see abstract, col.7 line 23 to col.8 line 42 and col.9 lines 14-62). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Bistriceanu's teachings into the computer system of Martin to track web site users because it would have developed demographics information from the database concerning web site visiting users.

As to claims 76 and 77, Martin discloses said modification comprises modifying a display layout and modifying a level of detail shown (see col.6 lines 22-65).

As to claims 78, Martin discloses said modification comprises selecting data to be displayed (see col.7 lines 7-65).

Art Unit: 2451

As to claims 114, Martin discloses the at least one attribute of the display format determined responsive to the user profile comprises one or more display colors (see col.7 lines 7-65).

As to claims 115 and 116, Martin discloses at least one attribute of the display format determined responsive to the user profile comprises an image quality and at least one attribute of the display format determined responsive to the user profile comprises a size, amount or density of displayed text (see col.6 lines 22-65 and col.7 lines 7-65).

As to claims 117, Martin discloses that the display format responsive to the user profile comprises modifying a display format of a browser of the client (see col.6 lines 22-65 and col.7 lines 7-65).

As to claims 137, Martin discloses records are managed at least partially by tracking interactions of the user with an Internet and analyzing the tracked interactions to determine at least a part of the user profile (see col.6 lines 22-65 and col.7 lines 7-65).

As to claims 138 and 139, Martin discloses tracking at computers at which the users accesses the Internet and tracking at a computer from which users access the Internet and which tracks a plurality of users accessing the Internet from different client stations (see col.6 lines 22-65 and col.7 lines 7-65).

As to claims 140 and 141, Martin discloses tracking computer is physically remote from a computer hosting the site and providing the same information content for a plurality of the users (see col.6 lines 22-65 and col.7 lines 7-65).

As to claims 142 and 143, Martin discloses providing different information content including different search results, for a plurality of the users and providing the information content of the Internet page without relation to the user profile of the user transmitting the request (see col.6 lines 22-65 and col.7 lines 7-65).

As to claims 144 and 145, Martin discloses the selected display format includes at least one non-information-content attribute selected responsive to the user profile and transmitting along with a user profile record (see col.6 lines 22-65 and col.7 lines 7-65).

As to claims 146, Martin discloses the display formats selected responsive to the user profile records of at least two of the users differ in their level of detail (see col.4 line 22 to col.5 line 62).

As to claims 147, Martin discloses the display formats selected responsive to the user profile records of at least two of the users differ in a percentage of image data that they include for one or more of their images (see col.6 lines 22-65 and col.7 lines 7-65).

As to claims 148 and 149, Martin discloses the display formats selected responsive to the user profile records of at least two of the users differ in their colors and the display formats selected responsive to the user profile records of at least two of the users differ in their spatial layout (see col.4 line 22 to col.5 line 62).

As to claim 150, Martin discloses the display formats selected responsive to the user profile records of at least two of the users differ in a size, amount or density of displayed text (see col.6 lines 22-65 and col.7 lines 7-65).

As to claim 151, Martin discloses the display formats selected responsive to the user profile records of at least two of the users differ in a number or percentage of non-textual objects (see col.6 lines 22-65 and col.7 lines 7-65).

As to claim 152, Martin discloses the display formats selected responsive to the user profile records of at least two of the users differ in the type of words they use (see col.6 lines 22-65 and col.7 lines 7-65).

As to claim 153, Martin discloses the display formats selected responsive to the user profile records of at least two of the users differ in a ratio between images and text In the page (see col.6 lines 22-65 and col.7 lines 7-65).

Art Unit: 2451

As to claim 154, Martin discloses responding to the requests comprises responding by the site, which selects the display format (see col.6 lines 22-65 and col.7 lines 7-65).

As to claim 155, Martin discloses responding to the requests comprises providing the information content by the site, and selecting the display format at least partially by a persona server, separate from the site, which provides the presentations to the users (see col.6 lines 22-65 and col.7 lines 7-65).

As to claim 158-159, Martin discloses repeating (a) (b) (c) (d) for a plurality of unrelated sites using a single user profile and for a plurality of user profile records and a single site, wherein at least some of the responses to the requests differ at least in their display formats (see col.6 lines 22-65 and col.7 lines 7-65).

As to claims 160-162, Martin discloses providing a record at least partially determined for one or more other users, a proxy through which the request for the Internet page is provided to the site and generated in a manner transparent to the user (see col.6 lines 22-65 and col.7 lines 7-65).

As to claims 163-164, Martin discloses the display format is selected responsive to at least one attribute of the user profile record which is independent of the information content of the site and tracking computer which tracks access to a plurality of different unrelated sites (see col.6 lines 22-65 and col.7 lines 7-65).

Response to Arguments

5. Applicant's arguments with respect to claims 76-78, 114-117, 136-155 and 158-164 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Claims 76-78, 114-117 and 136-155 and 158-164 are rejected.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571)

Art Unit: 2451

272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Khanh Dinh/

Primary Examiner, Art Unit 2451